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Date April 8, 2005

To Group Director - Group 2126

Of United States Patent and Trademark Office

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From David J. Cushing

Subject Letter to Group Director Requesting Action

Our Ref A7145 Your Ref 09/274,979

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David J. Cushing
Registration No. 28,703

Date: April 8, 2005

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: A7145

Phillip MERRICK, et al.

Appln. No.: 09/274,979

Group Art Unit: 2126

Confirmation No.: 9188

Examiner: St. John Courtenay III

Filed: March 23, 1999

For: XML Remote Procedure Call (XML-RPC)

LETTER TO GROUP DIRECTOR REQUESTING ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned respectfully requests prompt issuance of a Notice of Allowance in this case. The application was filed March 23, 1999, and has now been pending for over six years. There is no reasonable basis for this length of pendency, and is by far the longest pendency this attorney has seen in almost 30 years of practice aside from cases that have been involved in an interference or a lengthy appeal. It was three years after filing before a first action was received, and more than two and one half years of prosecution despite the fact that applicants tried to simplify prosecution from the beginning by responding to the first Office action by amending all claims in the case to depend from claims allowed by the examiner in the first Office action. MPEP 707.02 provides that an application pending for more than five years will be considered "special" with a view to expeditious completion of its proceedings. That threshold was passed over a year ago. Despite this, four months have now passed since this application was considered in condition for allowance, as indicated by the "Notice of Allowability" of December 13, 2004 appearing in the File History listing on the USPTO web site.

The assistance of the Group Director is requested in putting a stop to the simply unacceptable delays that have plagued this case since its original filing.

Respectfully submitted,

David J. Cushing
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